



SENATE COMMITTEE ON SMALL BUSINESS & ENTREPRENEURSHIP
OLYMPIA J. SNOWE, CHAIR
SUBMISSION OF COMMITTEE RULES FOR THE 109TH CONGRESS

FEBRUARY 3, 2005

Ms. SNOWE. Mr. President, on January 26, 2005, the Senate Committee on Small Business and Entrepreneurship unanimously adopted its Rules for the 109th Congress. Pursuant to Rule XXVI of the Standing Rules of the Senate, I submit those Rules to be printed in the Congressional Record.

Consistent with Standing Rule XXVI, I ask unanimous consent to have a copy of the Senate Committee on Small Business and Entrepreneurship's rules printed in the Record.



RULES
THE COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP
109th CONGRESS
Adopted on January 26, 2005

1. GENERAL

All applicable provisions of the Standing Rules of the Senate, the Senate Resolutions, and the Legislative Reorganization Acts of 1946 and of 1970 (as amended) shall govern the Committee.

2. MEETING AND QUORUMS

(a) The regular meeting day of the Committee shall be the first Wednesday of each month unless otherwise directed by the Chairman. All other meetings may be called by the Chairman as he or she deems necessary, on 5 business days notice where practicable. If at least three Members of the Committee desire the Chairman to call a special meeting, they may file in the office of the Committee a written request therefor, addressed to the Chairman. Immediately thereafter, the Clerk of the Committee shall notify the Chairman of such request. If, within 3 calendar days after the filing of such request, the Chairman fails to call the requested special meeting, which is to be held within 7 calendar days after the filing of such request, a majority of the Committee Members may file in the Office of the Committee their written notice that a special Committee meeting will be held, specifying the date, hour and place thereof, and the Committee shall meet at that time and place. Immediately upon the filing of such notice, the Clerk of the Committee shall notify all Committee Members that such special meeting will be held and inform them of its date, hour and place. If the Chairman is not present at any regular, additional or special meeting, such member of the Committee as the Chairman shall designate shall preside.

(b)(1) A majority of the Members of the Committee shall constitute a quorum for reporting any legislative measure or nomination.

(2) One-third of the Members of the Committee shall constitute a quorum for the transaction of routine business, provided that one Minority Member is present. The term "routine business" includes, but is not limited to, the consideration of legislation pending before the Committee and any amendments thereto, and voting on such amendments. 132 Congressional Record Sec. 3231 (daily edition March 21, 1986).

(3) In hearings, whether in public or closed session a quorum for the asking of testimony, including sworn testimony, shall consist of one Member of the Committee.

(c) Proxies will be permitted in voting upon the business of the Committee by Members who are unable to be present. To be valid, proxies must be signed and assign the right to vote on the date of the meeting to one of the Members who will be present. Proxies shall in no case be counted for establishing a quorum.

(d) It shall not be in order for the Committee to consider any amendment in the first degree proposed to any measure under consideration by the Committee unless thirty written copies of such amendment have been delivered to the Clerk of the Committee at least 2 business days prior to the meeting. This subsection may be waived by the agreement of the Chairman and Ranking Member or by a majority vote of the members of the Committee.

3. NOMINATIONS

In considering a nomination, the Committee shall conduct an investigation or review of the nominee's experience, qualifications, suitability, and integrity to serve in the position to which he or she has been nominated. In any hearings on the nomination, the nominee shall be called to testify under oath on all matters relating to his or her nomination for office. To aid in such investigation or review, each nominee may be required to submit a sworn detailed statement including biographical, financial, policy, and other information which the Committee may request. The Committee may specify which items in such statement are to be received on a confidential basis.

4. HEARINGS, DEPOSITIONS, SUBPOENAS, AND LEGAL COUNSEL

(a)(1) The Chairman of the Committee may initiate a hearing of the Committee on his or her authority or upon his or her approval of a request by any Member of the Committee. If such request is by the Ranking Member, a decision shall be communicated to the Ranking Member within 7 business days. Written notice of all hearings, including the title, a description of the hearing, and a tentative witness list shall be given at least 5 business days in advance, where practicable, to all Members of the Committee.

(2) Hearings of the Committee shall not be scheduled outside the District of Columbia unless specifically authorized by the Chairman and the Ranking Minority Member or by consent of a majority of the Committee. Such consent may be given informally, without a meeting, but must be in writing.

(b)(1) Any Member of the Committee shall be empowered to administer the oath to any witness testifying as to fact if a quorum be present as specified in Rule 2(b).

(2) The Chairman and Ranking Member shall be empowered to call an equal number of witnesses to a Committee hearing. Such number shall exclude an Administration witness unless such witness would be sole hearing witness, in which case the Ranking Member shall be entitled to invite one witness. The preceding two sentences shall not apply when a witness appears as the nominee. Interrogation of witnesses at hearings shall be conducted on behalf of the Committee by Members of the Committee or such Committee staff as is authorized by the Chairman or Ranking Minority Member.

(3) Witnesses appearing before the Committee shall file with the Clerk of the Committee a written statement of the prepared testimony at least 2 business days in advance of the hearing at which the witness is to appear unless this requirement is waived by the Chairman and the

Ranking Minority Member.

(c) Any Committee Member or staff may take depositions upon written authorization by the Chairman. The Ranking Member shall be notified of the deposition five business days in advance or as soon as practicable. Attendance at depositions may be secured through notices for the taking of depositions authorized and be issued by the Chairman or through subpoenas. Notices shall specify a time and place for examination, and the name of the Committee Member or staff who will take the deposition. Unless otherwise specified, the deposition shall be in private. Witnesses shall be examined upon oath administered by a Committee Member or an individual authorized to administer oaths by local law. The transcript of a deposition shall be filed with the Committee and made available for review to Committee Members and staff.

(d) Any witness summoned to a public or closed hearing or a deposition may be accompanied by counsel of his own choosing, who shall be permitted while witness is testifying to advise him of his legal rights. Failure to obtain counsel will not excuse the witness from appearing and testifying.

(e) Subpoenas for the attendance of witnesses or the production of memoranda, documents, records, and other materials may be issued by the Chairman with the consent of the Ranking Minority Member or by the consent of a majority of the Members of the Committee. Such consent may be given informally, without a meeting, but must be in writing. The Chairman may subpoena attendance or production without the consent of the Ranking Minority Member when the Chairman has not received notification from the Ranking Minority Member of disapproval of the subpoena within 72 hours of being notified of the intended subpoena, excluding Saturdays, Sundays, and holidays. Subpoenas shall be issued by the Chairman or by the Member of the Committee designated by him or her. A subpoena for the attendance of a witness shall state briefly the purpose of the hearing or the deposition and the matter or matters to which the witness is expected to testify. A subpoena for the production of memoranda, documents, records, and other materials shall identify the papers or materials required to be produced with as much particularity as is practicable.

(f) The Chairman shall rule on any objections or assertions of privilege as to testimony or evidence in response to subpoenas or questions of Committee Members and staff in hearings and depositions.

5. CONFIDENTIAL INFORMATION

(a) No confidential testimony taken by, or confidential material presented to, the Committee in executive session, or any report of the proceedings of a closed hearing, or confidential testimony or material submitted pursuant to a subpoena, shall be made public, either in whole or in part or by way of summary, unless authorized by a majority of the Members. Other confidential material or testimony submitted to the Committee may be disclosed if authorized by the Chairman with the consent of the Ranking Member.

(b) Persons asserting confidentiality of documents or materials submitted to the Committee

offices shall clearly designate them as such on their face. Designation of submissions as confidential does not prevent their use in furtherance of Committee business.

6. MEDIA AND BROADCASTING.

(a) At the discretion of the Chairman, public meetings of the Committee may be televised, broadcasted, or recorded in whole or in part by a member of the Senate Press Gallery or an employee of the Senate. Any such person wishing to televise, broadcast, or record a Committee meeting must request approval of the Chairman by submitting a written request to the Committee Office by 5:00 p.m. the day before the meeting. Notice of televised or broadcasted hearings shall be provided to the Ranking Minority Member as soon as practicable.

(b) During public meetings of the Committee, any person using a camera, microphone, or other electronic equipment may not position or use the equipment in a way that interferes with the seating, vision, or hearing of Committee members or staff on the dais, or with the orderly process of the meeting.

7. SUBCOMMITTEES

The Committee shall not have standing subcommittees.

8. AMENDMENT OF RULES

The foregoing rules may be added to, modified or amended; provided, however, that not less than a majority of the entire Membership so determined at a regular meeting with due notice, or at a meeting specifically called for that purpose.